

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Townsend	Team: Squad #7	CCRB Case #: 201707417	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 09/02/2017 9:52 PM	Location of Incident: In an RMP; 32nd Precinct stationhouse; § 87(2)(b)	Precinct: 32	18 Mo. SOL 3/2/2019	EO SOL 3/2/2019	
Date/Time CV Reported Sun, 09/03/2017 12:39 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/08/2017 12:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM John Woo	28328	954431	032 PCT
2. SGT Steven Broda	02744	929782	032 PCT
3. POM Richard Hanson	20219	954916	032 PCT
4. Officers			032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Wintermute	03805	953574	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Hanson	Discourtesy: En route to 32nd Precinct stationhouse, Police Officer Richard Hanson spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Richard Hanson	Abuse: En route to 32nd Precinct stationhouse, Police Officer Richard Hanson refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
C.POM John Woo	Abuse: En route to 32nd Precinct stationhouse, Police Officer John Woo refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
D.SGT Steven Broda	Force: En route to the 32nd Precinct stationhouse, Sergeant Steven Broda tightly handcuffed § 87(2)(b)	§ 87(2)(b)
E.SGT Steven Broda	Force: En route to the 32nd Precinct stationhouse, Sergeant Steven Broda used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM John Woo	Force: En route to the 32nd Precinct stationhouse, Police Officer John Woo used physical force against § 87(2)(b)	§ 87(2)(b)
G.SGT Steven Broda	Abuse: At the 32nd Precinct stationhouse, Sergeant Steven Broda threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
H.SGT Steven Broda	Abuse: At the 32nd Precinct stationhouse, Sergeant Steven Broda refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
I. Officers	Abuse: At § 87(2)(b) officers did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)

### Case Summary

On September 3, 2017, Sgt. Steven Broda of the 32<sup>nd</sup> Precinct reported this incident to the Internal Affairs Bureau (IAB) after engaging in a physical dispute with § 87(2)(b). The complaint generated § 87(2)(g) and was received at the CCRB on September 8, 2017.

On September 2, 2017, at about 9:52 p.m., § 87(2)(b) entered a store located at 2482 7<sup>th</sup> Avenue in Manhattan, where he stole two bottles of beer and engaged in a verbal dispute with the store's employee, known only as "Sal". Shortly after, Sgt. Steven Broda, PO John Woo, PO Richard Hanson and PO Christopher Wintermute of the 32<sup>nd</sup> Precinct arrested § 87(2)(b) for § 87(2)(b). En route to 32<sup>nd</sup> Precinct stationhouse, PO Hanson allegedly stated "fuck you" to § 87(2)(b) and told him that he "didn't give a shit about him" (**Allegation A: Discourtesy, § 87(2)(g)**). While in the RMP, § 87(2)(b) allegedly asked PO Hanson and PO Woo for their shield numbers and neither of the officers replied to his request (**Allegation B and C: Abuse of Authority, § 87(2)(g)**). Upon § 87(2)(b) exiting the RMP, Sgt. Broda allegedly tightened § 87(2)(b)'s handcuffs (**Allegation D: Force, § 87(2)(g)**) and Sgt. Broda and PO Woo allegedly placed § 87(2)(b) in an arm lock while walking him inside of the 32<sup>nd</sup> Precinct stationhouse (**Allegation E and F: Force, § 87(2)(g)**). While § 87(2)(b) was inside of a holding cell, Sgt. Broda allegedly pointed his Taser at § 87(2)(b) and refused to provide his shield number to him (**Allegation G and H: Abuse of Authority, § 87(2)(g)**). § 87(2)(b) was ultimately transported to § 87(2)(b) because of shoulder pain. While there, officers allegedly refused to obtain medical treatment for § 87(2)(b) (**Allegation I: Abuse of Authority, § 87(2)(g)**).

The investigation obtained video footage of the incident from the 32<sup>nd</sup> Precinct (Board Review 01).

### Findings and Recommendations

**Allegation A – Discourtesy: En route to 32nd Precinct stationhouse, Police Officer Richard Hanson spoke discourteously to § 87(2)(b)**

**Allegation B – Abuse of Authority: En route to 32nd Precinct stationhouse, Police Officer Richard Hanson refused to provide his shield number to § 87(2)(b)**

**Allegation C – Abuse of Authority: En route to 32nd Precinct stationhouse, Police Officer John Woo refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) stated that while he was transported to the 32<sup>nd</sup> Precinct stationhouse, he complained about being arrested and repeatedly cursed at the officers seated in the front of the RMP. The driver of the RMP, identified via the investigation as PO Hanson, stated "fuck you" to § 87(2)(b) and told him that he "didn't give a shit" about him. § 87(2)(b) also asked PO Hanson and PO Woo, who he stated were the only officers inside of the RMP, for their shield numbers but both officers did not verbally reply to his request and he did not otherwise obtain their information (Board Review 02).

PO Hanson, PO Woo, PO Wintermute and Sgt. Broda were all interviewed at the CCRB, and contrary to § 87(2)(b)'s statement, all four officers stated that they were in the vehicle with § 87(2)(b) when he was transported to the stationhouse. All officers denied using profanity toward § 87(2)(b) and denied hearing another officer do so. Additionally, while PO Hanson and PO Woo did not remember if § 87(2)(b) requested theirs or another officer's shield number, PO Wintermute and Sgt. Broda denied hearing § 87(2)(b) ever make that request. All interviewed

officers denied refusing to provide their shield numbers to § 87(2)(b) and did not hear another officer refuse to provide their information (Board Review 03, 04, 05 and 06).

§ 87(2)(g)

§ 87(2)(g)

**Allegation D – Force: En route to the 32nd Precinct stationhouse, Sergeant Steven Broda tightly handcuffed § 87(2)(b)**

**Allegation E – Force: En route to the 32nd Precinct stationhouse, Sergeant Steven Broda used physical force against § 87(2)(b)**

**Allegation F – Force: En route to the 32nd Precinct stationhouse, Police Officer John Woo used physical force against § 87(2)(b)**

Once § 87(2)(b) arrived at the stationhouse inside of the RMP, an officer identified via the investigation as PO Woo opened the rear passenger door for § 87(2)(b). Once § 87(2)(b) stepped out of the RMP, an officer identified via the investigation as Sgt. Broda, squeezed his handcuffs and § 87(2)(b) heard three “clinks” as they tightened around his wrists. § 87(2)(b) did not know what prompted Sgt. Broda to tighten his handcuffs and confirmed that he did not attempt to run away or throw himself to the ground upon exiting the RMP. Officers identified via the investigation as PO Woo and Sgt. Broda then grabbed § 87(2)(b)'s arms, placed them in an arm lock and bent them upward, causing § 87(2)(b)'s upper body to tilt down. As § 87(2)(b) shifted his body down to avoid pain in his arms and shoulders, PO Woo and Sgt. Broda dragged him inside of the stationhouse. § 87(2)(b) repeatedly yelled that his arms were hurting and asked the officers to bring them down; however, none of the officers replied or readjusted their grip (Board Review 02).

In a follow up statement, § 87(2)(b) acknowledged that his knees made contact with the ground as he exited the RMP. § 87(2)(b) elaborated that he dropped to the ground to avoid pain in his arms caused by the arm lock. Other than dropping his body to the ground on one occasion, § 87(2)(b) was physically compliant with walking inside of the stationhouse (Board Review 07).



201707417\_20171227\_0911\_DM.mp4

Video of the incident depicts § 87(2)(b) being walked inside of the stationhouse by a group of four officers. Two of the officers walk alongside § 87(2)(b) and can be seen making physical contact with his arms, which are handcuffed behind his back. At 00:03 on the recording, § 87(2)(b) appears to turn his body away from the entrance of the stationhouse toward the street and the two officers in his immediate vicinity steer him toward the stationhouse's front door. The

recording does not depict § 87(2)(b) being placed in an arm lock and it is unclear whether any of the officers made contact with his handcuffs. Throughout the entirety of the recording, § 87(2)(b)'s hands are positioned alongside his torso and are never raised or twisted upward (Board Review 09. For the original video, see Board Review 01).

Sgt. Broda denied that he or another officer tightened or readjusted § 87(2)(b)'s handcuffs during the incident. § 87(2)(b) refused to exit the RMP, causing Sgt. Broda to place one of his hands on § 87(2)(b)'s bicep and the other, on the chain of § 87(2)(b)'s handcuffs while assisting him outside. Upon exiting the RMP, § 87(2)(b) attempted to drop to the ground, which he continued doing throughout the walk to the stationhouse. In order to prevent § 87(2)(b) from falling, Sgt. Broda held onto the chain of the handcuffs and pulled § 87(2)(b)'s weight up. This action did not result in tightening of § 87(2)(b)'s handcuffs as Sgt. Broda never made physical contact with the handcuffs themselves and only held onto its chain. § 87(2)(b) also attempted to pull his body away from the entrance of the stationhouse, however, he was ultimately unsuccessful in doing so as Sgt. Broda steered him inside by pulling his body in the correct direction. Sgt. Broda interpreted § 87(2)(b)'s movement as an attempt to flee from the officers. Aside from making physical contact with § 87(2)(b)'s bicep and the chain links of the handcuffs, he did not recall placing his hands anywhere else on § 87(2)(b)'s body. Sgt. Broda denied placing § 87(2)(b) in an arm lock, bending his arms upward and did not observe any other officer do the same to § 87(2)(b) (Board Review 03).

PO Woo denied tightening § 87(2)(b)'s handcuffs and did not observe another officer tighten them. Upon handcuffing § 87(2)(b) he double locked the handcuffs with the key, which prevented them from being readjusted later in the incident. PO Woo confirmed that § 87(2)(b) refused to exit the RM and Sgt. Broda pulled him out by the chain link of the handcuffs. § 87(2)(b) began to drag his feet in an attempt to bring his body to the ground, and PO Woo observed Sgt. Broda hold the chain of § 87(2)(b)'s handcuffs to keep him in an upright position. PO Woo did not remember seeing an officer place § 87(2)(b) in an arm lock or otherwise use physical force against him, and he did not do so himself.

After reviewing video footage of the incident embedded above, PO Woo acknowledged that he and Sgt. Broda tugged on § 87(2)(b)'s arms to direct him inside of the stationhouse. PO Woo elaborated that based on the video footage, it appeared that § 87(2)(b) was kicking his legs and pulling his body away from the entrance of the stationhouse as he was being escorted inside (Board Review 04).

PO Wintermute and PO Hanson did not tighten or readjust § 87(2)(b)'s handcuffs and did not observe another officer do so. They were unaware of § 87(2)(b)'s refusal to exit the RMP, walk into the stationhouse, or that he reportedly dropped to the ground. Aside from holding his arms to walk him into the stationhouse, neither officer witnessed any officer use physical force or an arm lock against § 87(2)(b) and they did not use physical force against him (Board Review 05 and 06).

The IAB log, which included Sgt. Broda's statement regarding the incident, noted that Sgt. Broda held onto § 87(2)(b)'s handcuffs while in the RMP to prevent him from lunging forward. The log also referenced that Sgt. Broda pulled § 87(2)(b) out of the RMP and that § 87(2)(b) attempted to throw himself to the ground on numerous occasions as he was escorted inside of the stationhouse. In order to prevent § 87(2)(b) from falling to the ground, Sgt. Broda held onto § 87(2)(b)'s handcuffs (Board Review 10). The TRI Report prepared by Sgt. Broda referenced that he "held onto handcuffs to stop defendant from throwing himself to ground"

(Board Review 10). Additionally, Sgt. Broda's Memo Book noted that § 87(2)(b) resisted entering the stationhouse (Board Review 11).

§ 87(2)(b)'s medical records obtained from § 87(2)(b) noted that he complained of left shoulder pain, which resulted from being "pulled during an altercation." § 87(2)(b) informed the hospital staff that he hurt his shoulder as he was being arrested and was ultimately diagnosed with "pain in left shoulder" though he had "no evident injury" (Board Review 12).

Members of service should not use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance. Patrol Guide Procedure 221-01 (Board Review 08).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation G – Abuse of Authority: At the 32nd Precinct stationhouse, Sergeant Steven Broda threatened § 87(2)(b) with the use of force.**

**Allegation H – Abuse of Authority: At the 32nd Precinct stationhouse, Sergeant Steven Broda refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) stated that while inside of the holding cell, he continuously yelled and cursed at the officers who brought him inside of the stationhouse. An officer identified via the investigation as Sgt. Broda and described as a 6'2" tall white male with brown hair, who was in his early forties, had an average body build and was dressed in uniform, took a yellow Taser out of his utility belt and pointed it at § 87(2)(b)'s chest. Sgt. Broda did not say anything prior to pointing the Taser at § 87(2)(b) and there were no other officers or civilians inside the holding cell area. As a response to Sgt. Broda's action, § 87(2)(b) stated to him, "I want your badge number, I'm suing the police." Sgt. Broda did not verbally reply to § 87(2)(b)'s request and immediately exited the holding cell (Board Review 02).

PO Woo stated that he was the only officer who interacted with § 87(2)(b) in the holding cell area. PO Woo is not Taser qualified and did not remember whether any of his partners were equipped with Tasers on the day of the incident. PO Woo confirmed that Sgt. Broda was never alone with § 87(2)(b) and stated that the cell area did not have an assigned cell attendant. PO Woo did not remember if § 87(2)(b) requested Sgt. Broda's shield number at any point and did not remember hearing Sgt. Broda refuse to identify himself to § 87(2)(b) (Board Review 05).

According to Sgt. Broda, after placing § 87(2)(b) inside of the cell, he left the cell area and only had a passing interaction with § 87(2)(b) during which § 87(2)(b) apologized for his rowdy behavior. Sgt. Broda, who is a § 87(2)(b)-old, average-built, 6'2" tall white male with brown hair, was dressed in uniform at the time of the incident and confirmed that he is he Taser qualified. He did not remember if he carried a Taser on the day of the incident. Sgt. Broda did not point a Taser at § 87(2)(b) and denied being alone with him inside of the holding cell area. Sgt. Broda stated that the 32<sup>nd</sup> Precinct stationhouse did not have a cell attendant and that it was the arresting officer's responsibility to guard their inmate. § 87(2)(b) did not request Sgt. Broda's shield number while in the cell and Sgt. Broda did not refuse to provide it to § 87(2)(b) (Board Review 04).

PO Hanson ceased contact with § 87(2)(b) once § 87(2)(b) was placed inside of the holding cell. PO Hanson stated that PO Woo processed § 87(2)(b)'s arrest and was therefore inside of the holding cell area with § 87(2)(b). PO Hanson did not remember whether Sgt. Broda carried a Taser on the day of the incident and stated that he was never alone with § 87(2)(b) while in the cell area. PO Hanson did not observe Sgt. Broda point a Taser at § 87(2)(b). He also did not hear § 87(2)(b) request Sgt. Broda's shield number and did not hear Sgt. Broda refuse to identify himself (Board Review 07).

PO Wintermute stated that PO Woo was processing § 87(2)(b)'s arrest and was therefore responsible for guarding his cell. He did not remember if any other officers remained in the vicinity of § 87(2)(b)'s cell after placing him there. PO Wintermute confirmed that Sgt. Broda is Taser qualified and that he was equipped with a Taser on the day of the incident. PO Wintermute did not observe Sgt. Broda remove his Taser from the utility belt and point it at § 87(2)(b). PO Wintermute stated that § 87(2)(b) did not request Sgt. Broda's shield number and that Sgt. Broda never refused to provide it to § 87(2)(b) in his presence (Board Review 06).

The Prisoner Holding Pen Roster obtained from the 32<sup>nd</sup> Precinct noted that § 87(2)(b) was inside of the holding cell from 9:55 p.m. to 12:29 a.m. During this time period, there were no other civilians inside of the holding pen and PO Woo was the only officer assigned to guarding the cells (Board Review 18).

The Command Log referenced PO David Tobar, Sgt. Julio Calle, Sgt. John Keane and Sgt. Broda of the 32<sup>nd</sup> Precinct as being equipped with Tasers on the day of the incident (Board

Review 13). Their pedigree information was obtained through the MOS Photo Terminal. PO Tobar is a 5'9" tall Hispanic male with black hair, who is § 87(2)(b) old and of average body build; Sgt. Keane is a 5'10" tall white male with white hair, who is § 87(2)(b) old and of average body build; Sgt. Calle is a 5'4" tall Hispanic male with black hair, who is § 87(2)(b) old and of average body build and Sgt. Broda is a 6'2" tall white male with brown hair, who is § 87(2)(b) old and of average body build. Additionally, as per the Roll Call and the officers' Memo Books, PO Tobar, Sgt. Calle and Sgt. Keane did not have stationhouse assignments and were not at the 32nd Precinct stationhouse while § 87(2)(b) was inside of the holding cell (Board Review 14, 15, 16 and 17).

§ 87(2)(g)

**Allegation I – Abuse of Authority: At § 87(2)(b) officers did not obtain medical treatment for § 87(2)(b)**

While at the 32<sup>nd</sup> Precinct stationhouse, § 87(2)(b) complained of pain to his arms and was ultimately transported to § 87(2)(b) by EMS. While at the hospital, § 87(2)(b) interacted with two police officers, whom he could identify or describe. § 87(2)(b) initially stated that both officers informed him that he “wasn’t really hurt” and took him back to the 32<sup>nd</sup> Precinct stationhouse without being examined by a medical professional. § 87(2)(b) later changed his narrative and instead stated that both officers informed him that the doctor did not want to see him and took him back to the stationhouse without obtaining medical treatment (Board Review 02).

According to § 87(2)(b)'s medical records from § 87(2)(b), he was seen by § 87(2)(b), who diagnosed him with “pain in left shoulder” and prescribed him medication (Board Review 12). This information was also documented in the IAB log (Board Review 10).

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 20).
- PO Woo has been a member of service for five years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g) (Board Review 21).
- PO Hanson has been a member of service for four years and this is the first CCRB complaint to which he has been a subject (Board Review 22).

- Sgt. Broda has been a member of service for fifteen years and has been a subject in four CCRB complaints and six allegations, none of which were substantiated § 87(2)(g) (Board Review 23).

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]
- As of February 5, 2018, there was no Notice of Claim pertaining to this incident (Board Review 25).

Squad No.: 12

Investigator: _____	INV. WORONIECKI	03/26/2018
Signature	Print Title & Name	Date

Squad Leader: _____	IM Diana Townsend	_____
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date